

Board of Selectmen
May 13, 2013

PRESENT: Philip Bean, Chairman
Richard Nichols, Vice Chairman
Michael Pierce, Selectman
Ben Moore, Selectman
Mary-Louise Woolsey, Selectman
Frederick Welch, Town Manager

SALUTE TO THE FLAG

I. Public Hearing RSA 31:95-b,III(a)

1. To accept, and expend unanticipated monies for the following NH Highway Safety Agency Grants:

DWI Patrols - \$8,357.31
Pedestrian Enforcement Patrols - \$8,171.59
Route 101 East Corridor Enforcement Patrols - \$8,171.59
Red Light Running Patrols - \$8,171.59

Lt. Gidley was there to provide information on these grants.

Selectman Woolsey MOTIONED to AUTHORIZE the acceptance and to expend unanticipated monies for the following NH Highway Safety Agency Grants: DWI Patrols - \$8,357.31; Pedestrian Enforcement Patrols - \$8,171.59; Route 101 East Corridor Enforcement Patrols - \$8,171.59; Red Light Running Patrols - \$8,171.59 SECONDED by Selectman Pierce.

Selectman Moore MOTIONED to close the Public Hearing SECONDED by Selectman Woolsey.

Vote to close the public hearing	VOTE:	5-0-0
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Vote on the Motion	VOTE:	5-0-0
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II. Public Comment Period

Art Gopalan, 21 Windmill Lane, commented on communicating to the public through mass email distribution and cable channel funding for SAU 90.

III. Announcements and Community Calendar

Mr. Pierce announced the following: needs for computer equipment; advisory study can be found on the Town Website; Village District Meeting and change in National Flood

Insurance; the American Legion Post 35 will be holding Memorial Day exercises on Monday, May 27, 2013: 8AM, Hampton Beach War Memorial; 9AM Hampton Falls, Weares Common; 10 AM North Hampton Parade; and 11AM Hampton Parade.

Household Hazardous Waste Day is May 18, 2013 from 8AM to 12Noon

Mr. Moore announced the Hampton Garden will be holding their annual plant sale on Saturday, May 18, 2013 at the Town Offices, Winnacunnet Road from 9AM to 1PM including a silent auction for rain barrels; walking tour of Hampton beginning at 1PM on May 18th.

Mr. Nichols shared a letter from UNH in regards to recognition of Charles Seamans as a Senior Road Scholar. Chairman Bean also congratulated Charles Seamans.

IV. Appointments

1. Keith Noyes

a. Departmental Update

Mr. Noyes commented on following: new Procurement Manager Mike Gingras and what he will be doing; list of all projects going on; activities during the 1st quarter; progress in solid waste/recycling program; Inflow study. Chris Jacobs commented on the projects he is working on including: High Street Intersection; Hazardous Mitigation Grant; Westside streets sewer project; Grist Mill Dam project. Mike Dube commented on: dewatering project update; new press coming at the end of this month; Church Street Pump Station update.

Board Members Pierce, Moore, Nichols and Woolsey discussed the following items with DPW staff: Bicentennial Park seawall repairs; work State is currently doing on seawall; Tuck Road Pump Station being in service; sewer main backup on Stickney Terrace; how many feet currently down on Church Street Pump Station; any extra cost expected on Church Street Pump Station; amount DRED is being charged for trash; charging 4 cents a pound for trash might need to be addressed and changed; signage related to parking on High Street and Ocean Blvd; side bar with union in regards to trash pickup in place yet; how will new trash schedule be communicated to the public; has water in the Ice Pond been drained; grease trap inspector; High Street drainage project; possibility of a higher design for seawall.

b. Public Works Week Proclamation

Chairman Bean read the proclamation for the Public Works Department in regards to National Public Works Week. Mr. Noyes added the following: almost here for 2 years; coffee chats with employees almost complete; tremendous employees the Town has at DPW; how well they work with the other departments.

c. Compost Removal Bid Award

Mr. Noyes discussed the following: memo sent to the Board; basically a pile of leaves; turning DPW does throughout year; 2 contractors showed up for bid; one company will remove leaves for free and return to the Town 150 yards of cured compost; discussed other bid; no benefit of rebidding.

Selectman Moore MOTIONED to AWARD to Seacoast Farms a No Cost contract for removal of compost for a 3 year period. The terms of this contract include providing the

Town with 150 yards of screened compost per year for residents to obtain SECONDED by Selectman Pierce.

VOTE: 5-0-0

V. Approval of Minutes

1. April 29, 2013

Selectman Woolsey MOTIONED to MOVE the Minutes of April 22, 2013 SECONDED by Selectman Nichols.

Page 4: For clarity add the following to the 9th line of the 5th paragraph: “picking up the Village District trash and recycling Monday and Friday on streets that were picked up in the past Monday, Wednesday and Friday”.

Page 5: For clarity add “AM to 11 and PM to the 7” 2nd paragraph, 5th line.

VOTE: 5-0-0

2. May 01, 2013 Public Session Minutes

Selectman Nichols MOTIONED to MOVE the Public Session Minutes of May 01, 2013 SECONDED by Selectman Woolsey.

VOTE: 5-0-0

3. May 01, 2013 Non-public Session Minutes

Selectman Moore MOTIONED to MOVE the Public and Non-Public Session Minutes of May 01, 2013 SECONDED by Selectman Pierce.

VOTE: 5-0-0

VI. Town Manager's Report

1. The American Legion Post 35 will be holding Memorial Day exercises on Monday, May 27, 2013: 8AM, Hampton Beach War Memorial; 9AM Hampton Falls, Weares Common; 10 AM North Hampton Parade; and 11AM Hampton Parade.
2. Household Hazardous Waste Day is May 18, 2013 from 8AM to 12Noon.
3. Waste Management has increase our tipping rates will increase effective July 1, 2013. Solid wastes fee from \$61.79 to \$62.72 per ton and for WWTP sludge, grit and screenings from \$67.41 to \$68.42 per ton, a 1.5% increase in the Boston CPI for March as specified in the current contract.
4. Construction on the Fire Stations, the installation of the dewatering press at the WWTP are all proceeding on schedule; construction on the Church Street Sewer Pumping Station slightly behind schedule due to ground water removal issue.
5. The Old Court House demolition is proceeding. Waiting the delivery of the Federal and State written certificate for the removal and disposal of the asbestos. Once received, the contract will be signed and the demolition will be scheduled after 5/20
6. The Hampton Garden will be holding their annual plant sale on Saturday, May 18, 2013 at the Town Offices, Winnacunnet Road from 9AM to 2PM.

VII. Old Business

1. Communication with the Public
 - a. Mass Email Distribution
 - b. DPW Non-Emergency Reverse 911

Selectman Nichols read a prepared statement in regards to the need for an improved communication procedure with the public such as broadcast email system and Reverse 911. Selectman Nichols would like to discuss tonight what current capabilities are, what plans are in the works and what might be considered to keep residents more informed. He discussed the following in detail: push forms of communication; outsourcing of web host capability. Paul Paquette discussed: looked into high school system; method of getting information out; Facebook likes; suggestions on how to obtain resident information such as email addresses; second push for phone lines.

Board Members Nichols, Pierce, Moore and Woolsey discussed the following with Paul Paquette: many more people have email than Facebook; broadcast email group; webpage improvements; some problems with email notifications; currently looking at voice message and Facebook; Paul not looking right now at the broadcast email; Facebook and phone together could work; new equipment that might be needed; estimated cost of Reverse 911; do-not call provisions; how many calls expected to make in a year; calls mostly DPW driven; number of complaints Selectmen receive; capture email and phone numbers at vehicle registration time.

Selectman Nichols MOTIONED to support the plans that Paul Paquette articulated along with using the Town Clerk's cooperation to collect the information from residents SECONDED by Selectman Woolsey.

VOTE: 5-0-0

2. Hampton School District SAU 90
 - a. Discussion of Cable Channel Funding

Mr. Welch commented on: balance of this account information provided by Finance; amount requested from SAU 90; notice given to Cable Company on the second channel; turning channel on can take up to 180 days; amount Board wants to give to the schools; what Board wishes to do with the second channel; future meeting in the works with school staff; permission to get on the second channel and the dollars.

Board Members Pierce, Moore, Nichols and Woolsey discussed the following with Mr. Welch: previous balances of fund; monetary request by the school; purpose of the franchise fee; same community; look at this in a very positive way; need to hear exactly what the school wants to present to the Board; committee/work team Board discussed a few weeks ago; concerns with the \$25k; committee was to iron out some of the details prior to the Board discussing it; review what paying current cable staff; money being requested is for payroll, hiring a part time employee, paying twice what Town is paying and schools plan to pay for their own equipment; expected funds coming in this year; expenses in previous years; amount of money should be addressed on a yearly basis; make a level of projection on what will be spent in 2013; premises of year to year, stay away from money being used to fund a position; intergovernmental agreements; time to stop fiddling around and get the school system on board; need to get this done for the community.

Art Gopalan commented: not sure if authorized to speak on behalf of the Board; as a resident need programs on channel 22; unreported events; have danced this tune for a long time and decision needs to be made either to do it or not; requested the layout of the meeting. Selectman Moore requested that Mr. Gopalan bring this up at the School Boards meeting this week.

3. RSA 41:14-a – item pushed back by Town Atty.
 - a. Vote to Release of Right of Way Interests on Tax Map and Lots 295/60, 64, and 65 from Bk2197, Pg1427 to the adjacent property owners
 - b. Vote to Deed two mostly underwater lots to the Conservation Commission
4. Ambulance Billing Rates Changes
 - a. Motion to Approve

Mr. Welch brought up the following: Chief brought in these suggestions last week; motion prepared; rates result in the change to the federal type billings for Medicare; recommended that we proceed so that we can continue to recover Medicare cost. Selectman Nichols pointed out from the Chiefs memo that the change does not result in a significant increase in billing.

Selectman Moore MOTIONED to move to change the Fire Department Ambulance billing rates from their current rates to the attached Bundled Rates effective with the passage of this motion by the Hampton Board of Selectmen SECONDED by Selectman Pierce.

VOTE: 5-0-0

5. Code of Ordinance Update Plan

Mr. Welch discussed the following: not a real plan in place; number of ordinances needing updating; cost of doing this outside; Kristina will just have to keep chipping away at this.

Selectman Nichols discussed the following: prioritization list; importance of having up to date ordinances online; strive to have changes in ordinances related to Town Meeting completed within a few months.

6. Impact Fee Ordinance – Mayberry Report

Selectman Woolsey discussed the following: Planning Board authorized to implement impact fees; only impact fees currently in place is for schools, not for infrastructure; it is a mechanism for the Planning Board to assess the fees is out dated; need to find more ways to increase revenue; cost to update Mayberry Report is about \$2,500; need letter from Planning Board asking for funding from the Board; Planning Board not terribly excited to make the changes.

Board Members Pierce, Moore, Nichols, Woolsey and Bean discussed the following: minutes from Planning Board meeting; why WWTP not part of the impact fees; how much more money will come in; school impact fees already in place; may have to wait until October; no vote taken by the Board stating that all 5 members are in support; cost if full study was included; most of Planning Board members did not appear to want to implement municipal impact fees; until Planning Board has an interest in this, do not see reason why we would spend money on this study until there is an interest; lost opportunity for income for the taxpayers; wait until this is reviewed by the Planning Board in October; Mayberry Report is good data, out dated; the concept behind report is liked.

Chairman Bean made the point that he does not want Board Members here talking negatively about other Boards

7. Selectman Woolsey's telephone conversation with NH Attorney General's Office about the meeting with DRED on the JOP

Selectman Woolsey commented as follows: confusion on what Board members would attend this meeting on Thursday; phone call was more about how the State is dictating how Boards meet; States refusal to meet in public; Attorney General's office has since communicated with the Town Counsel; Right-To-Know Law; JOP expired 12/31 last year; no options have been discussed since; concerns Board might have with this; need to have feeling from the entire Board before we are to sit down and negotiate this; JOP being posted on the website; thinks what is happening here is totally against the Right-To-Know Law; State is holding us hostage; States concern with public meeting veering off onto other topics that involve the State; DRED responsibilities; read several portions of the agreement regarding the Towns and the State responsibilities when the State in 1933 took over the land from the Town; suggesting that if we do not have time to work out a JOP with the State then we should shut down the State's access to any Town facilities/services; considers this a very dangerous path regarding right to know and Concord's refusal to meet in public..

Board Members Pierce, Moore, Nichols, Bean and Woolsey made comments as follows: presents a challenge to the average person's way of thinking; two sides to look at here; good for public to be well informed; two Selectmen negotiating with the State is not a violation of 91A; any agreement would need to be made public; a plan was discussed by the Board on April 29th and what was discussed; no need to negotiate in public; bring agreement back to the Board for review in public; compared how they do not take a majority of the Board into negotiations with the unions; other businesses benefit; not prone to cutting services off to the State; the 1931 agreement was not accepted and there maybe others that were agreed upon besides the 1933 agreement; obtain a list of what the Board would like to modify; this creative negative publicity; need proceed with one or two Selectmen along with Fred; not fair to demonize the State; newspaper article in the Hampton Union; concept of JOP; firm hand shake agreement; issues about safety and security; with the State in planning for any natural or manmade catastrophic event; email sent by Chairman Bean to Mr. Bryce after the discussion about the Board member contacting the Attorney General's office; comments that were made; there was no heads up to Town Manager or Phil Bryce that there was going to be a call to the Attorney General; lines of communication; need for common courtesy amongst the Board; simple meeting, this was to be a public negotiations not private negotiations; never heard it expressed before that the State refuses to meet in the public.

8. Joint Operations Plan (JOP) with DRED

Mr. Welch made comments as follows: awful lot of material; explained why plan expired on 12/31/12; to make it a permanent plan would require Governors Council and Governor; changes would need approval by those entities; multiple meetings over 2 to 2 ½ year period; more material was taken out of agreement then put in; instructed to come back with an agreement that would be acceptable to both parties.

Board Members Nichols and Woolsey made comments as follows: should decide which Selectmen are going to meet with the State to work on the JOP;, and move forward; not a

problem with the Town Manager being the go between; problem with the attitude about not being able to sit down in public.

9. Overtime Review

Selectman Nichols made comments as follows: good understanding of the 19% increase comparing 2012 with 2010; sensitive subject; overtime history; tax impact not as much as indicated in the Town Report; \$115,000 in Grant money funded overtime; Fire OT lines; DPW make greater use of part-timers; Police OT comparison, using full time to close the gap for specials; questions have ruffled some Department Heads; meetings are scheduled later this week; transparency is in the public interest and is important; understands there is a time related cost. Selectman Woolsey asked the comment about transparency be said again.

10. 2013 Selectmen's Goals – Board received a list of goals.

Board Members Pierce and Nichols commented as follows: thinks we should go with about three; highlighted 6 of the 14; Selectman who championed each goal to write an objective of each of the 6; eliminate goals #1, #3-4, #7 historical data to be discussed at a future meeting, #9-10, #12- 14 Selectmen goals will be the following #2 – Purchasing Policy, #5 – Generate Revenue, #8 Department of Public Works, and #11 Inequities with the State.

Other Old Business

Selectmen Nichols and Bean brought up an email from Norm Silberdick in regards to money going into the Trustees of the Trust Fund.

Selectman Moore questioned who on the Board is going to meet with DRED.

Selectman Nichols MOTIONED that Chairman Bean, Selectman Moore and Mr. Welch meet with Phil Bryce from DRED and SECONDED by Selectman Pierce.

VOTE: 4-1(Woolsey)-0

11. Hampton History Documentation

- a. Residents for Interviews – Will be discussed at a future meeting

VIII. New Business

1. No-through Trucking – Tide Mill Road

Mr. Welch provided an update for the Board: tried voluntarily to restrict use of Tide Mill Road for large trucks; not completely successful; problems with large trucks traveling on this road; Hardardts Way has been laid out as a public highway; vote of Board required to enact a change in traffic regulations; complaints received.

Board Members Moore, Nichols and Woolsey commented as follows: support concept; question of process; asking Police for input prior to making a decision; how would it be signed so as to not confuse the truck drivers; suggestions of the Town Manager in regards to signage; not sure what good will be done by implementing No-through Trucking; end result of residents petitioning is the mess. Chairman Bean confirmed this will be on the agenda next week after being reviewed by Police.

2. Acceptance of Donations to the Conservation Commission – Chairman Bean read the request from the Conservation Commission in regards to the donations below.

- a. Aquarion Water – 8 Rain Barrels of \$600

- b. Wicked Awesome Paint – Paint Supplies of \$400
- c. Wayne’s Auto Body – Seal Coating of \$942

Selectman Pierce MOTIONED to AUTHORIZE the acceptance of the donations to the Conservation Commission of the following: Aquarion Water – 8 Rain Barrels of \$600; Wicked Awesome Paint – Paint Supplies of \$400; Wayne’s Auto Body – Seal Coating of \$942, totaling \$1942.00 SECONDED by Selectman Woolsey.

VOTE: 5-0-0

Other New Business

Selectman Moore requested that the following two items be placed on the agenda for action: Stipend increase to Cable Committee and permission to destroy meeting tapes converted to DVD’s. Selectmen Pierce and Nichols asked a few questions about the Cable Committee stipends.

IX. Consent Agenda

1. Fores Restaurant, 822 Lafayette Road Request for service of liquor outside
2. Street Closure “Pine Road” 05/26/13
3. Parade and Public Gathering License “Smuttynose 5K” 06/02/13
4. Entertainment License “North Beach Bar & Grill” 931 Ocean Blvd
5. Termination of Lease – 48 Beach Plum Way
6. Leased Land Lease – 48 Beach Plum Way
7. Notice to Cut Timber – Tax Map/Lot 195/13-6B 8 Ice House Lane
8. Purchasing Policy and Procedures

Selectman Nichols MOTIONED to MOVE the Consent Agenda SECONDED by Selectman Pierce.

VOTE: 5-0-0

X. Closing Comments

Selectman Nichols brought up the cancelled meeting of 05/16/13 and a discussion followed amongst the Board, motion to go into non-public session.

Selectman Nichols MOTIONED to enter into a non-public session after adjournment of this meeting under RSA 91-a; 3, II, a & b SECONDED by Selectman Pierce.

VOTE: 5-0-0

XI. Adjournment

Selectman Nichols MOTIONED to adjourn the public meeting at 9:48PM SECONDED by Selectman Pierce.

VOTE: 5-0-0

Chairman